

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Tuesday, September 4, 2018
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:01PM.

Council Members Present: Will Dujardin, Chris Haver, Kent Cowherd, Jackson Petito, Laura Mitchell, and Paul Merck

Staff Present: Town Manager Dara MacDonald and Town Attorney John Sullivan

Open Space/Creative District Coordinator Mel Yemma, Town Planner Bob Nevins, Community Development Director Michael Yerman, Parks and Recreation Director Janna Hansen, and Town Clerk Lynelle Stanford (for part of the meeting)

APPROVAL OF AGENDA

Cowherd requested and Haver concurred to add an Executive Session to the end of the meeting for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding Brush Creek.

Cowherd moved and Haver seconded a motion to have an Executive Session. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

CONSENT AGENDA

- 1) August 20, 2018 Regular Town Council Meeting Minutes.**
- 2) Emma Coburn's Elk Run 5K Special Event Application and Special Event Liquor Permit for September 29, 2018.**
- 3) Letter to the GMUG National Forest Regarding Forest Plan Revision Draft Wilderness Evaluation Comments.**
- 4) Resolution No. 16, Series 2018 - A Resolution of the Crested Butte Town Council Approving the Award of a Construction Agreement for the Town Park Playground Renovation Project to Black Dragon Development, LLC.**
- 5) Resolution No. 17, Series 2018 - A Resolution of the Crested Butte Town Council Approving the Award of a Construction Agreement for the Bricks in the 100 Block of Elk Avenue Project to Beckwith Builders, Inc in the Amount of \$25,553.15.**

Dujardin moved item #4 from the Consent Agenda to New Business, in order to recuse himself from voting on the item.

Merck moved and Mitchell seconded a motion to approve the Consent Agenda with the removal of item #4 and putting to New Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

PUBLIC COMMENT

Frank Kugel - General Manager of the Upper Gunnison River Water Conservancy
District - Reported home address to be 24053 Hwy 135

- Provided updates on current water supply conditions and on short-term and long-term forecasts.
- Blue Mesa was below historical levels.
- Temperature was an important factor.
- They were currently involved in a watershed planning effort. They wanted people to be prepared for the year 2050 and beyond.
- Thanked Dujardin for his input and participation on the board.

Krista Hildebrandt - 813 Red Lady Ave

- She was concerned about the Red Lady/Safe Route to School issue.
- The Council voted to stop pursuing the roundabout.
- Sidewalks went in with very little notice or time for public comment.
- She reviewed work that would be proposed in Phase 2. MacDonald clarified Phase 2 was a part of the school's plan.
- She posed questions to the Council, asking about the traffic study and maps. She asked the Council where they were in the process. MacDonald stated it was all a part of the school's master planning effort.
- The residents wanted to be involved in the process.

Carolina Alling

- Referred to a letter she wrote that was included in the packet.
- She asked the Council to reconsider Ordinance No. 25, Series 2017.
- She referenced a guideline within the ordinance that prohibited a garage door from facing the street. She thought the guideline needed more work and could be improved.
- She saw an opportunity to gain long-term rentals.
- Schmidt moved the topic to Other Business.

STAFF UPDATES

- MacDonald confirmed the next work session, on September 17th, would start at 5PM, and the regular meeting would start at 7:30PM.
- Haver questioned whether there was feedback on the dumpsters at Judd Falls. MacDonald reported on conversations she had with District Ranger Matt

McCombs. Schmidt asked about the dumpsters at the Four-Way. MacDonald said there had not been large items disposed.

- Petito wondered if Cypress could use untreated water to irrigate.
- Dujardin asked how business owners and residents were being notified of meetings on the parking plan.
- Cowherd questioned the status of the phone system.

OLD BUSINESS

1) Discussion on The Corner at Brush Creek Housing Project.

Schmidt reported that they had a work session on Brush Creek at Mt. Crested Butte tonight, and they were looking to plan another. Dujardin suggested the Council members organize their thoughts. Each Council member would bring points he or she wanted to discuss to the next meeting. MacDonald requested comments in time for the next packet. Schmidt asked the Council if they wanted to invite Gatesco to address questions on September 17th. The Council wanted to hear from Gatesco. There was discussion around parking and transportation. An agenda item regarding Brush Creek was planned for the next meeting.

2) Update on Activities Related to Council Priorities.

Schmidt referred to MacDonald's memo that included priorities identified by the Council on February 6th. Related to the value of climate action, Schmidt wondered if toxic water at the mine could be used for energy generation. Cowherd pointed out the implementation of the dumpsters and that the Council received agendas of other entities in their packets. Dujardin identified a change in wording in the vision statement, and the Council agreed with his suggestion. There was a discussion around housing on Elk Avenue.

3) Update on 2018 Capital Projects.

Schmidt acknowledged there was a lot going on in September and October. He recognized Stanford had ordered chairs, and he wondered if a new table was needed. No one on the Council voiced disagreement with repurposing the existing table, and Staff would look into re-stabilizing and outlets. There was discussion on the timing of Avalanche Park. Cowherd suggested the bathrooms near Pitsker Field be retained. MacDonald would schedule the discussion on the bathrooms for an upcoming meeting.

NEW BUSINESS

1) Resolution No. 16, Series 2018 - A Resolution of the Crested Butte Town Council Approving the Award of a Construction Agreement for the Town Park Playground Renovation Project to Black Dragon Development, LLC.

Dujardin recused himself and left the room.

Haver moved and Merck seconded a motion to approve Resolution No. 16, Series 2018. A roll call vote was taken with all voting, "Yes," except for Dujardin, who did not vote. **Motion passed unanimously.**

Dujardin returned to the meeting.

2) Resolution No. 18, Series 2018 - A Resolution of the Crested Butte Town Council Allowing Alcohol Beverages in Non-Breakable Containers in Town Parks.

Schmidt explained this resolution had to do with Colorado removing the 3.2% beer category.

Merck moved and Mitchell seconded a motion to pass Resolution No. 18, Series 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Update and Possible Action on Grant Opportunities for Trails, Open Space, and Youth Corps.

Mel Yemma introduced herself to the Council. She updated that the application for the Colorado Youth Corps grant was due soon. She explained the work they did. She asked for a \$7,000 match for the grant from the open space stewardship budget.

Petito moved and Dujardin seconded a motion to allocate \$7,000 in the 2019 open space stewardship budget as matching funds for the GOCO Youth Corps Crews for Local Government & Open Space Projects Grant, subject to the annual appropriation in the 2019 budget. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Next, Yemma reviewed background on work regarding the Crested Butte to Carbondale Trail. They were seeking grant opportunities. TPL asked for a wish list of trails, and they would narrow the list at the next STOR Committee meeting. She asked if they wanted to utilize funding for matching funds for TPL. Yerman elaborated that the opportunity through TPL could be a large grant. However, there was not a lot of support from the County on the Crested Butte to Carbondale Trail. He saw opportunities to leverage \$25,000. Yerman stated the Crested Butte to Carbondale Trail was the most shovel ready project. Merck thought the \$25,000 would be for a really good trail that would connect to Carbondale. Schmidt agreed with Merck.

Dujardin moved and Merck seconded a motion to allocate \$25,000 in the 2019 budget for matching funds for trail construction including the Kebler Pass Trail East Central section of the Crested Butte to Carbondale Trail, subject to the annual appropriation in the 2019 Budget. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

4) Resolution No. 14, Series 2018 - A Resolution of the Crested Butte Town Council Adopting the Second Amendment to the Pre-Annexation Agreement Between the Town of Crested Butte and Cypress Foothills, LP.

Yerman explained this would be the third pre-annexation agreement. Cameron Aderhold, from Cypress, introduced himself. He outlined the public benefits gained through the pre-annexation agreement. The pre-annexation agreement imposed development restrictions on the East Parcel in the County. He then reviewed additional public benefits that would be provided through the second amendment to the pre-annexation agreement. He listed points on which Cypress would be looking for clarity.

Town Planner Bob Nevins quantified requirements in the Code and how the applicant met or exceeded. He reviewed in detail. However, the Town did not receive capital expansion recovery fees from the applicant. Nevins pointed out that land had been set aside to meet the number of required affordable housing units. There was discussion around wording in the agreement. Schmidt questioned the height of the fence. Yerman identified safety concerns with the children at the sledding hill. The discussion regarding the fence continued. Aderhold said Cypress was willing to be flexible.

Yerman said they were looking for direction on configuration as it related to low-quality wetlands. He mentioned an easement that would allow access to the cemetery. Schmidt confirmed water and sewer could fit in the easement. MacDonald drew the Council's attention to a specific section of the agreement that summarized Yerman's points. Schmidt thought the lots were far enough away from the grid, and Cypress could do something to fit the land. Cowherd agreed with Schmidt. No one on the Council voiced disagreement with Plan B, which would allow the developer to create six lots while maintaining a buffer. Yerman confirmed that Plan B would maintain a 25-foot buffer from the wetland area. There were changes to the agreement from what was included in the packet: 1) modifications to Section 6.4.1.2.b to make sure hospital and medical clinic facilities would be an allowed use on Town Parcel 2; 2) clarification that public works facilities were not an allowed use on Town Parcel 2; and 3) in Section 6.4.1.2.d, to allow that fencing above the sledding hill may be as low as 4' tall and may be seasonally removable.

Haver moved and Dujardin seconded a motion to approve Resolution No. 14, Series 2018 with those amendments. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

LEGAL MATTERS

Sullivan updated on The Heights Open Space case. They had a case management conference with Judge Patrick. The judge entered an order requiring the parties to mediate and complete by November 30th. They had not decided upon a mediator or a date. No trial had been set.

Sullivan recognized that the Council was interested in studying how to protect existing retail uses on Elk Avenue. If the Council wanted to move forward, there was the possibility of enacting some sort of moratorium in the interim. He suggested they be proactive rather than reactive. He offered to craft a moratorium ordinance. Schmidt stated that the business community asked for it in Park City. He thought it was important that they talk to the Chamber members. There was discussion on the mechanics and reasoning of the moratorium. Petito wanted to see the first reading of the ordinance at the next meeting, if possible. There were discussions on the locations around Town that would be affected by a moratorium and effects in other communities. An ordinance would be brought forward.

Sullivan reminded that the first anniversary for the Town Attorneys had passed. Schmidt asked for a two-month extension to review them. Cowherd agreed he would like time to discuss and gather information.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Schmidt referred to the letter from Alling that was included in the packet and mentioned during Public Comment. Yerman explained background on the ordinance referenced by Alling. He told the Council that it was deliberate that front porches faced the street. Alling was asking for reconsideration of the guideline prohibiting garage doors from facing the street. Yerman explained the process in that the Council would ask BOZAR to reconsider the ordinance. He anticipated neighborhood opposition. The Council decided to send to BOZAR for consideration.

Mitchell wanted to see the discussion on the roundabout come back. Dujardin agreed with Mitchell. She didn't think it was fair to the neighborhood to funnel traffic down Red Lady and 8th Street. MacDonald elaborated upon the failure point at Red Lady and 135. She suggested they wait to see the school's master plan and then schedule the discussion.

MacDonald asked the Council to plan the next meeting with Mt. Crested Butte to discuss Brush Creek. It was decided that Town would propose October 1st.

Dujardin stated he was on the Vinotok Council. He wanted to make the Council aware of his involvement with the event application on the next agenda.

MacDonald brought forth the proposed meeting on the One Valley Housing Plan. The Council decided upon September 24th at 6:00PM.

COUNCIL REPORTS AND COMMITTEE UPDATES

Will Dujardin

- The whole county was in extreme drought. Blue Mesa was filled to around 44%.

- Went to QQ in Silverthorne. Walker Stapleton had not come out against Proposition 108, the takings law. Sam Mamet spoke, too. They were trying to allow for higher levels of molybdenum in Ten Mile Creek.
- He enjoyed the CAST meeting.
- There were people that wanted to see the Long Lake deal cleaned up.

Kent Cowherd

- The annual report from the Creative District would be coming up. They were interviewing a new member. Art in public places requests were going out.
- He attended the CAST meeting. He appreciated the information from CAST in the packets.
- He went on the tour of the mine site.

Chris Haver

- Chili and Beer Festival would be this weekend. Chamber membership continued to grow, and the Visitor Center would be reducing hours for the season.
- He highlighted points he learned from the peer-to-peer meeting on Vail.
- He attended Community Builders Task Force. They talked about having Clark Anderson present to the elected officials before the State of the Valley. There was a regional housing plan update that would be presented to Council. The meeting in Almont went well.

Jackson Petito

- The Housing Foundation's focus would be on a PAC (political action committee) for the tax initiative. The upcoming meeting would be next week.

Laura Mitchell

- She got to see the mine, and she attended CAST.

Paul Merck

- He would have a phone call tomorrow morning with the outreach manager of Leave No Trace. He applied as a resident for a grant. West Maroon Trailhead was being considered.
- He would be attending a STOR Committee meeting.

Jim Schmidt

- The Jokerville film was well attended.
- He attended the Vail pre-CAST meeting and the CAST meeting. He stated that Vail didn't seem to be helping out on affordable housing.
- He attended the Mt. Emmons open house.

Will Dujardin

- Referring to the peer-to-peer meeting regarding Vail, he pointed out that without owning development, they still ran development.

- At QQ, he learned that the Colorado River District was advising that compact curtailment was increasingly possible.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, September 17, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, October 1, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, October 15, 2018 - 6:00PM Work Session - 7:00PM Regular Council

EXECUTIVE SESSION

Schmidt read the reason for the Executive Session: for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding Brush Creek.

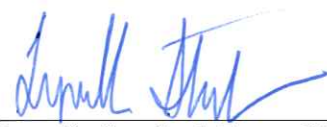
Haver moved and Dujardin seconded a motion to go into Executive Session. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

The Council went into Executive Session at 10:35PM. The Council returned to open meeting at 11:12PM. Mayor Schmidt made the required announcement upon returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 11:14PM.


James A. Schmidt, Mayor


Lynelle Stanford, Town Clerk

(SEAL)

